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SONNENSCHEIN NATH & ROSENTHAL LLP			LAFORGIA, CHRISTIAN A	
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WACKER DRIVE STATION, SEARS TOWER			2131	
CHICAGO, IL 60606-1080				

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/550,001	ASANO, TOMOYUKI
	<b>Examiner</b>	<b>Art Unit</b>
	Christian La Forgia	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 September 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/22/05.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-15 have been presented for examination.

### *Priority*

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### *Information Disclosure Statement*

3. The information disclosure statement (IDS) submitted on 22 September 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

### *Specification*

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 101*

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per claim 15, merely claimed as a computer program representing a computer listing *per se*, that is, descriptions or expressions of such a program and that is, descriptive material *per se*, non-functional descriptive material, and is not statutory because it is not a physical "thing" nor a statutory process, as there are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention

Art Unit: 2131

which permit the computer program's functionality to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the program itself is not a process, without the computer-readable medium needed to realize the computer program's functionality. In contrast, a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the computer program and the medium which permit the computer program's functionality to be realized, and is thus statutory. **Warmerdam**, 33 F.3d at 1361, 31 USPQ2d at 1760. **In re Sarkar**, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978). See MPEP § 2106(IV)(B)(1)(a).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 5, 6, 11, 12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipation by U.S. Patent No. 6,738,904 B2 to Linnartz et al., hereinafter Linnartz.

9. As per claim 5, Kitaya teaches an information processing apparatus for playing back a content stored on an information storage medium, comprising:

a memory in which an information storage medium ID revocation list, which is a list of information storage medium IDs determined as fraudulent, is stored (column 1, lines 19-35), wherein a check is made as to whether an information storage medium ID stored on the information storage medium is identical to one of revoked information storage medium IDs described in the storage medium information ID revocation list stored in the memory, and, if the

information storage medium ID stored on the information storage medium is not identical to any one of the revoked information storage medium IDs described in the information storage medium ID revocation list, a content playback process is performed (column 2, lines 15-23, column 2, lines 32-43, column 3, line 52 to column 4, line 4, i.e. detecting whether data has been tampered with).

10. Regarding claims 6 and 12, Linnartz teaches wherein a tampering check process is performed to check whether no tampering is made on the information storage medium ID revocation list stored on the information storage medium, and, if the check indicates that no tampering is made, the version of the information storage medium ID revocation list stored on the information storage medium is compared with the version of that stored in the memory, and the information storage medium ID revocation list stored in the memory is updated by storing the information storage medium ID revocation list stored on the information storage medium into the memory when the version of the information storage medium ID revocation list is newer than the version of that stored in the memory (column 2, lines 15-23, column 2, lines 32-43, column 3, line 52 to column 4, line 4).

11. As per claims 11 and 15, Linnartz teaches an information processing method and computer program of playing back a content stored on an information storage medium, comprising the steps of:

reading information storage medium ID stored on the information storage medium (column 2, lines 15-23, column 3, lines 1-15, i.e. a playback apparatus, reading back data);

Art Unit: 2131

checking whether the information storage medium ID stored on the information storage medium is identical to one of revoked information storage medium IDs described in a storage medium information ID revocation list, which is a list of invalid information storage medium IDs and which is stored in a memory of an information processing apparatus (column 2, lines 15-23, column 2, lines 32-43, column 3, line 52 to column 4, line 4); and

playing back the content if and only if the information storage medium ID stored on the information storage medium is not identical to any one of the revoked information storage medium IDs described in the information storage medium ID revocation list (column 2, lines 15-23, column 2, lines 32-43, column 3, line 52 to column 4, line 4).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-4, 7-10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0150250 A1 to Kitaya et al., hereinafter Kitaya, in view of Linnartz.

14. As per claim 1, Kitaya teaches an information storage medium (Figure 10, paragraphs 0002, 0058, i.e. CD, DVD) storing:

an encrypted content (Figure 10, paragraph 0011, i.e. contents encrypted and stored on DVD or CD);

encryption key information needed in a process of decoding the encrypted content  
(Figure 10 [Storage EKB], paragraphs 0011, 0148, key block is stored on recording medium);

15. Kitaya does not disclose wherein an information storage medium ID which is an identifier uniquely assigned to the information storage medium and an information storage medium ID revocation list which is a list of information storage medium IDs determined as fraudulent are stored on a storage medium.

16. Linnartz discloses a unique disc identifier number and a list of electronic serial numbers of revoked devices or revoked discs are stored on the discs (column 1, lines 19-35).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store an information storage medium ID, which is an identifier uniquely assigned to the information storage medium, and an information storage medium ID revocation list, which is a list of information storage medium IDs determined as fraudulent, on a storage medium, since Linnartz states at column 1, lines 31-35 that include the abovementioned information on a disc allows revocation information to be disseminated and compliant devices can refuse to communicate with revoked devices, thereby preventing the spread of illegal obtained information.

18. Regarding claims 2 and 9, Linnartz teaches wherein the information storage medium ID revocation list includes a tampering check value for checking whether data described in the information storage medium ID revocation list is untampered (column 2, lines 15-23, column 4, lines 1-4, i.e. detecting whether data has been tampered with).

Art Unit: 2131

19. Regarding claims 3 and 10, Kitaya teaches wherein the encryption key information includes an enabling key block (EKB) as encryption key data from which a key used to decrypt the encrypted content is extractable (paragraph 0147).

20. With regards to claim 4, Kitaya teaches wherein the enabling key block (EKB) is encryption key information that can be decrypted based on a device node key (DNK) provided in the form of a hierarchical key-distribution tree structure to an information processing apparatus that is a device using the information storage medium (paragraphs 0130, 0147).

21. Regarding claims 7 and 13, Linnartz does not teach the information processing apparatus has a device node key (DNK) as key information provided in the form of a hierarchical key-distribution tree structure and a key used to decrypt an encrypted content stored on the information storage medium is extracted by decoding, based on the device node key (DNK), an enabling key block (EKB) stored as encryption key information on the information storage medium.

22. Kitaya teaches the information processing apparatus has a device node key (DNK) as key information provided in the form of a hierarchical key-distribution tree structure (paragraphs 0130, 0147); and

a key used to decrypt an encrypted content stored on the information storage medium is extracted by decoding, based on the device node key (DNK), an enabling key block (EKB) stored as encryption key information on the information storage medium (paragraph 0147).

Art Unit: 2131

23. It would have been obvious to one of ordinary skill to include the keying information in the system of Linnartz, since Kitaya states at paragraph 0013 that it simplifies key distribution and management constitution based on the capability of managing a hierarchical key distribution tree by using entities as sub-trees classified based on the capability of the devices under management.

24. As per claim 8, Kitaya teaches an information storage medium production apparatus that produces an information storage medium such that information is stored on the information storage medium (paragraphs 0058, 0059, i.e. program distributing medium), the information including

an encrypted content (Figure 10, paragraph 0011, i.e. contents encrypted and stored on DVD or CD),

encryption key information needed in a process of decoding the encrypted content (Figure 10 [Storage EKB], paragraphs 0011, 0148, key block is stored on recording medium).

25. Kitaya does not disclose wherein an information storage medium ID revocation list which is a list of information storage medium IDs determined as fraudulent, and an information storage medium ID, which is an identifier uniquely assigned to each information storage medium, is stored on each produced information storage medium such that each information storage medium has a different information storage medium ID.

26. Linnartz discloses a unique disc identifier number and a list of electronic serial numbers of revoked devices or revoked discs are stored on the discs (column 1, lines 19-35).

Art Unit: 2131

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store an information storage medium ID, which is an identifier uniquely assigned to the information storage medium, and an information storage medium ID revocation list, which is a list of information storage medium IDs determined as fraudulent, on a storage medium, since Linnartz states at column 1, lines 31-35 that include the abovementioned information on a disc allows revocation information to be disseminated and compliant devices can refuse to communicate with revoked devices, thereby preventing the spread of illegal obtained information.

28. As per claim 14, Kitaya teaches a method of producing an information storage medium (paragraphs 0058, 0059, i.e. program distributing medium), comprising the step of:

storing, on the information storage medium, an encrypted content (Figure 10, paragraph 0011, i.e. contents encrypted and stored on DVD or CD), encryption key information needed in a process of decoding the encrypted content (Figure 10 [Storage EKB], paragraphs 0011, 0148, key block is stored on recording medium).

29. Kitaya does not disclose wherein an information storage medium ID revocation list which is a list of information storage medium IDs determined as fraudulent, and an information storage medium ID, which is an identifier uniquely assigned to each information storage medium, is stored on each produced information storage medium such that each information storage medium has a different information storage medium ID.

30. Linnartz discloses a unique disc identifier number and a list of electronic serial numbers of revoked devices or revoked discs are stored on the discs (column 1, lines 19-35).

Art Unit: 2131

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store an information storage medium ID, which is an identifier uniquely assigned to the information storage medium, and an information storage medium ID revocation list, which is a list of information storage medium IDs determined as fraudulent, on a storage medium, since Linnartz states at column 1, lines 31-35 that include the abovementioned information on a disc allows revocation information to be disseminated and compliant devices can refuse to communicate with revoked devices, thereby preventing the spread of illegal obtained information.

*Conclusion*

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

33. The following patents are cited to further show the state of the art with respect to revoking data with regards to storage media, such as:

United States Patent No. 6,748,531 B1 to Epstein, which is cited to show confirming and revoking trust in a multi-level content distribution system.

United States Patent No. 7,137,012 B1 to Kamibayashi et al., which is cited to show storing a revocation list in a public ROM area of a portable storage medium.

United States Patent Application Publication No. 2003/010596 A1 to Ishiguro et al., which is cited to show detecting a revoked entity using an enabling key block.

United States Patent No. 7,210,042 B2 to Kamibayashi et al., which is cited to show storing a revocation list in a public ROM area of a portable storage medium.

Art Unit: 2131

United States Patent Application Publication No. 2003/0076958 A1 to Ishiguro et al., which is cited to show detecting a revoked entity using an enabling key block.

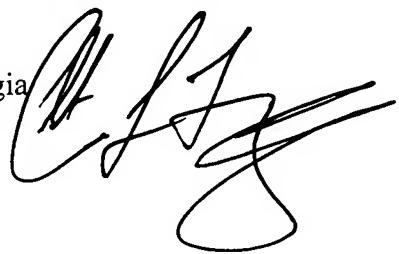
34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

36. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian LaForgia  
Patent Examiner  
Art Unit 2131

clf

A handwritten signature in black ink, appearing to read "CLF", is positioned below the typed name and title.